

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

Arquest, Inc.,

Plaintiff

v.

Kimberly-Clark Worldwide, Inc.,

Defendant

Case No. 07 CV 11202 (CM)

NOTICE OF MOTION AND MOTION FOR *PRO HAC VICE*  
ADMISSION OF THOMAS J. LERDAL, ESQ.

PLEASE TAKE NOTICE THAT upon the accompanying Declaration of Thomas J. Lerdal, Esq., Gregory W. Gilliam (Movant), a member in good standing of the Bar of the State of New York, and an attorney admitted to practice before the United States District Court for the Southern District of New York, and of Venable LLP, hereby moves this Court to enter an order permitting Thomas J. Lerdal, an associate with the law firm of Banner & Witcoff, LTD., to practice *pro hac vice* before the United States District Court for the Southern District of New York to represent Kimberly-Clark Worldwide, Inc. in the above-captioned matter, pursuant to Local Rule 1.3(c). In support of this Motion, movant states as follows:

1. Thomas J. Lerdal is a member of the law firm of Banner & Witcoff, LTD., 10 South Wacker Drive, Suite 3000, Chicago, IL 60657 (telephone 312-463-5000).
2. Thomas J. Lerdal is and has been a member in good standing of the Bars of Illinois and Minnesota.

NO 25-64634 FEB 04 2008

3. Thomas J. Lerdal is and has been admitted to practice before the United States District Court for the Northern District of Illinois and the United States District Court for the District of Colorado.
4. Thomas J. Lerdal has never been held in contempt of court, nor has he ever been censured, suspended or disbarred by any court.
5. Thomas J. Lerdal has read and is familiar with (a) the provisions of the Judicial Code (Title 28 U.S.C.), which pertains to the jurisdiction of, and practice in, the United States District Courts; (b) the Federal Rules of Civil Procedure; (c) the Federal Rules of Evidence; (d) the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York; (e) the New York State Lawyer's Code of Professional Responsibility as adopted from time to time by the Appellate Divisions of the State of New York; and (f) the code of Professional Responsibility of the American Bar Association.
6. If admitted to practice before this Court, Thomas J. Lerdal will faithfully adhere to all rules applicable to his conduct in connection with his activities representing Kimberly-Clark Worldwide, Inc. in this matter.
7. No prior motion to admit Thomas J. Lerdal has been made in this matter.
8. Thomas J. Lerdal agrees to pay the fee of \$25.00 upon approval by this Court admitting Thomas J. Lerdal to practice *pro hac vice*.

Therefore, Movant respectfully requests that for the foregoing reasons, this Court enter an Order permitting Thomas J. Lerdal, Esq. to appear as counsel for Kimberly-Clark Worldwide, Inc. *pro hac vice* in the above-captioned matter.

DATED this 31<sup>st</sup> day of January, 2008.

Respectfully submitted,



Gregory W. Gilliam (GG-2857)  
VENABLE LLP  
The Chrysler Building

405 Lexington Ave, 61st Floor  
New York, New York 10174  
Telephone: (212) 983-1231

*Counsel for Kimberly-Clark Worldwide Inc.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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Arquest, Inc.,

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v.

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**DECLARATION OF THOMAS J. LERDAL, ESQ.  
IN SUPPORT OF MOTION FOR *PRO HAC VICE* ADMISSION**

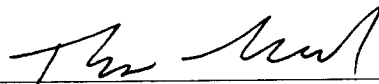
I, Thomas J. Lerdal, Esq., hereby declare:

1. I am a member of the law firm of Banner & Witcoff, LTD., 10 South Wacker Drive, Suite 3000, Chicago, IL 60657 (telephone 312-463-5000).
2. I am and have been a member in good standing of the Bars of Illinois and Minnesota.
3. I am and have been an attorney admitted to practice before the United States District Court for the Northern District of Illinois and the United States District Court for the District of Colorado.
4. I have never been held in contempt of court, nor have I ever been censured, suspended or disbarred by any court.
5. I have read and am familiar with (a) the provisions of the Judicial Code (Title 28 U.S.C.), which pertains to the jurisdiction of, and practice in, the United States District Courts; (b) the Federal Rules of Civil Procedure; (c) the Federal Rules of Evidence; (d) the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York; (e) the New York State Lawyer's Code of Professional Responsibility as adopted from time to time by the Appellate Divisions of the State of New York;

and (f) the code of Professional Responsibility of the American Bar Association.

6. If admitted to practice before this Court, I will faithfully adhere to all rules applicable to my conduct in connection with my activities representing BUSINESS in this matter.
7. No prior motion to admit me has been made in this matter.
8. I agree to pay the fee of \$25.00 upon approval by this Court admitting me to practice *pro hac vice*.
9. I respectfully submit to this Court that I meet all of the requirements for *pro hac vice* admission to practice before this Court in this matter and, for all of the foregoing reasons, should be so admitted to be able to represent Kimberly-Clark Worldwide Inc. in this matter.
10. I declare under the penalty of perjury under the laws of the United States of America, and pursuant to Fed. R. Civ. P. 11, that the foregoing is true and correct.

Executed this 24<sup>th</sup> day of January 2008.



Thomas J. Lerdal, Esq.

[tlerdal@bannerwitcoff.com](mailto:tlerdal@bannerwitcoff.com)

**Banner & Witcoff, LTD.**

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Chicago, IL 60606

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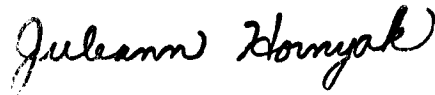
## **Certificate of Admission To the Bar of Illinois**

I, Juleann Hornyak, Clerk of the Supreme Court of Illinois, do hereby certify that

Thomas John Lerdal

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on November 9, 2006 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto  
placed my hand and affixed the seal  
of said Supreme Court, at Springfield,  
in said State, this Friday, January 11, 2008.

A handwritten signature in black ink that reads "Juleann Hornyak". The signature is written in a cursive, flowing style.

Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Arquest, Inc,

Plaintiff,

- against -

Kimberly-Clark Worldwide, Inc.,

Defendant

Case No. 07-CV-11202 (CM)

**[PROPOSED] ORDER GRANTING MOTION FOR  
PRO HAC VICE ADMISSION OF THOMAS J. LERDAL, ESQ.**

This matter having come before the Court on the application of Thomas J. Lerdal, counsel for Kimberly-Clark Worldwide, Inc., to practice before this Court *pro hac vice*, in representing Defendant Kimberly-Clark Worldwide, Inc., and the Court having reviewed these pleadings and being fully advised thereon:

IT IS HEREBY ORDERED that motion should be and hereby is GRANTED, and Thomas J. Lerdal is hereby admitted *pro hac vice* before this Court on this matter.


SO ORDERED.

Dated: February \_\_\_, 2008.

\_\_\_\_\_  
United States District Judge

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 4<sup>th</sup> day of February, 2008 a copy of the foregoing Notice of Motion and Motion for *Pro Hac Vice* Admission of Thomas J. Lerdal, Esq. and Declaration of Thomas J. Lerdal, Esq. in Support of Motion for *Pro Hac Vice* Admission were sent by first-class mail to all counsel addressed below.

  
\_\_\_\_\_  
Gregory W. Gilliam

TO:

Brian Douglas Siff, Esq.  
Peter Lambrianakos, Esq.  
Richard LaCava, Esq.  
Dickstein Shapiro LLP  
1177 Avenue of the Americas  
New York, NY 10036-2714